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### REMARKS

Claims 1-15 are pending in the subject application. Claim 11 is amended herein to correct a typographical error. Favorable reconsideration in light of the remarks which follow is respectfully requested.

#### 1. 35 U.S.C. §102 Rejections

Claims 1-4 and 11 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,841,734 to Kermode (hereinafter "Kermode"). Applicants respectfully traverse.

Applicants, recite in claim 1, a method for detecting an object from its background or surroundings comprising the steps of viewing an area with a viewing device, while selectively and varyingly changing a sensitivity of the viewing device to certain wavelengths of light (electromagnetic radiation) lying in any one of the ultraviolet (UV) range, the visible range, the near infrared range or the far infrared range; and determining the presence of an object when a visual difference between the object and background is discerned when the sensitivity of the viewing device is changed to a certain mixture of wavelengths of light.

Applicants recite in claim 11, an apparatus for detecting an object from its background or surroundings comprising an electro-optical viewing device being capable of detecting light in one of the ultraviolet (UV) range, the visible range, the near infrared or the far infrared; and a mechanism, disposed between the object and the electro-optical viewing device, configured and arranged to selectively and varyingly change the optical input to the electro-optical viewing device lying in one of the ultraviolet (UV) range, the visible range, the near infrared or the far infrared.

Kermode, on the other hand, describes a device and method that emphasizes the differences between a target and its background by altering the color and appearance of the target relative to the background. Kermode's device and method do this by eliminating or reducing the intensity of light wavelengths present in the background while passing the greater portion of light energy reflected from the target (col. 2, lines 29-34). As a result, the contrast between a target

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and its background is increased. Thus, according to Kermode, a target is known and the contrast between the target and the background is enhanced by altering the ratio of light wavelengths reflected from the target as compared to the background.

Applicants' methods and devices, on the other hand, allow for the detection of an unknown object (that may or may not be present in a scene) and that blends visually with the background. Applicants accomplish this by changing the sensitivity of the viewing device to certain wavelengths of light within the entire scene (both the target and the background equally) while observing an area. As this is done, if there are spectral difference between the object and its background, the device allows for the detection of the object.

Thus, Applicants respectfully submit that Kermode describes a very different device and method and fails to teach or suggest Applicants' claimed method and device. Accordingly, claims 1 and 11 are not anticipated by Kermode. Claims 2-10 and 12-15 depend from claims 1 and 11 and, thus, also are not anticipated by Kermode. Reconsideration and withdrawal of the rejection is respectfully requested.

## 2. 35 U.S.C. §103 Rejections

### *Kermode and Miller*

Claims 5-10 and 12-14 are rejected under 35 U.S.C. §103(a) over Kermode and U.S. Patent No. 5,940,183 to Miller (hereinafter "Miller"). Applicants respectfully traverse.

As set forth above, Kermode fails to teach or suggest Applicants' claimed method and device.

Miller describes a filter assembly that includes a plurality of filters each passing a center wavelength of a bandpass that is different than that of the other filters. However, Miller does not remedy the deficiencies of Kermode discussed above. Accordingly, claims 1 and 11 are patentable over Kermode and Miller. Claims 5-10 and 12-14 depend from claims 1 and 11 and,

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thus, also are patentable over Kermode and Miller. Reconsideration and withdrawal of the rejection is respectfully requested.

***Kermode, Miller, and Korniski***

Claim 15 is rejected under 35 U.S.C. §103(a) over Kermode, Miller, and U.S. Patent No. 6,646,799 to Korniski et al. (hereinafter "Korniski"). Applicants respectfully traverse.

As set forth above, Kermode and Miller, alone and in combination, fail to teach or suggest Applicants' claimed method and device.

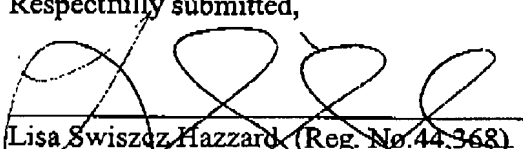
Korniski describes a sensor that operates in multiple bands of radiation and allows for simultaneous imaging of multiple bands of radiation to form a scene for viewing. However, Korniski does not remedy the deficiencies of Kermode and Miller discussed above. Accordingly, claim 11 is patentable over Kermode, Miller, and Korniski. Claim 15 depends from claim 11 and, thus, also is patentable over Kermode, Miller, and Korniski. Reconsideration and withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the foregoing, applicant respectfully requests reconsideration, withdrawal of all grounds of rejection and objection, and allowance of claims 1-15 in due course. The Examiner is invited to contact applicant's undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

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